

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

QUAMAYNE SIMMONS,

Plaintiff,

v.

LIVERS and ALLEN,

Defendants.

CAUSE NO. 3:22-CV-783-JD-MGG

ORDER

Mail sent to Quamayne Simmons, a prisoner without a lawyer, was returned undeliverable, with a notation that he was deceased. ECF 39, 40. The court must allow time for a successor or representative of Simmons to move for a substitution of parties. *See* Fed. R. Civ. P. 25(a)(1); *Atkins v. City of Chicago*, 547 F.3d 869 (7th Cir. 2008). The time to allow a substitution of parties runs from the date of service of a statement noting the death on the parties and any necessary non-parties such as his representative or estate, if such exists. Fed. R. Civ. P. 25(a)(1). Here, there has not been an official notation of death on the record or any indication that any potential representative or estate has been served.

For these reasons, defendants Livers and Allen are ORDERED to file a notice of service of the notice of death on any non-parties, or file a statement indicating that there are no known representatives or estate to be served by **November 27, 2023**.

SO ORDERED on October 30, 2023

s/ Michael G. Gotsch, Sr.

Michael G. Gotsch, Sr.
United States Magistrate Judge